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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,832	12/28/2001	Leigh M. Rothschild	1.083.01	9615
1218 CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016	7590 02/22/2007		EXAMINER NGUYEN BA, HOANG VU A	
			ART UNIT 2623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/034,832

Applicant(s)

ROTHSCHILD, LEIGH M.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the application filed December 28, 2001.
2. Claims 1-42 have been examined. Claims 1 and 13 are independent.

#### ***Priority***

3. The priority date considered for this application is December 28, 2001.

#### ***Oath/Declaration***

4. The Office acknowledges receipt of a properly signed oath/declaration filed December 28, 2001.

#### ***Drawings***

5. The drawings filed December 28, 2001 are accepted by the examiner.

#### ***Claim Objection***

6. Claims 5, 19 and 21 are objected to because of the following minor informalities:

Claims 5 and 19: a preposition – to – should be inserted after “corresponds”.

Claim 5 recites the limitation “said location marker” at line 3. This limitation appears to lack proper antecedent basis.

Claim 21 recites the limitation “said media storage medium” at line 3. This limitation appears to lack proper antecedent basis.

#### ***Claim Rejections – 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States and was published under Article 21(2) of such treaty in the English language

8. Claims 1-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0078456 by Hudson et al. (“Hudson”).

### Claim 1

Hudson discloses at least:

*generating and storing an enhancement registry for a media selection, said enhancement registry including at least time data associated with said media selection and at least one communicative link to additional materials* (see at least FIG. 4, step 402; it is noted that the claimed *additional materials* is equated with Hudson’s ancillary content throughout the Office action);

*associating a media storage medium containing said media selection with a corresponding media player* (see at least [0002]);

*identifying the media selection* (see at least FIG. 4, step 400);

*playing the media selection* (see at least FIG. 4, step 402);

*receiving a user input* (see at least FIG. 4, steps 404, 414, 418, 420);

*identifying at least a time marker of said media selection at a time that corresponds receipt of said user input* (see at least [0033]; FIG. 5, item 500); and

*correlating said time marker with said time data of said enhancement registry and activating said communicative link in response thereto* (see at least [0033]; it is

noted that the claimed *time data* is interpreted to read on Hudson's time code marker embedded in the video stream).

### Claim 2

The rejection of base claim 1 is incorporated. Hudson further discloses *generating and storing said enhancement registry including a plurality of said communicative links associated with different stages of said media selection as referenced by said time data* (see at least [0033]).

### Claim 3

The rejections of base claim 1 and intervening claim 2 are incorporated. Hudson further discloses *wherein said communicative link which corresponds said stage of said media selection as referenced by said time data is activated in response to said user input* see at least [0033]).

### Claim 4

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein said enhancement registry is generated and stored for a video media selection and further includes frame location data associated with a specific location on at least one frame of said media selection* (see at least [0033], [0047-0048]).

### Claim 5

The rejections of base claim 1 and intervening claim 4 are incorporated. Hudson further discloses *identifying a location marker of said media selection that corresponds said user input, and correlating said location marker with said frame location*

*data of said enhancement registry so as to correspondingly activate said communicative link* (see at least [0033]; [0046-0048]).

#### **Claim 6**

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from a local storage medium* (see at least [0002], lines 1-7).

#### **Claim 7**

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from said media storage medium* (see at least [0002], lines 1-7).

#### **Claim 8**

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from a remote storage medium* (see at least FIG. 1, item 100).

#### **Claim 9**

The rejection of base claim 1 is incorporated. Hudson further discloses *storing said enhancement registry for said media selection on a local storage medium* (see at least [0002], lines 1-7).

#### **Claim 10**

The rejection of base claim 1 is incorporated. Hudson further discloses *storing said enhancement registry for said media selection on said media storage medium containing said media selection* (see at least [0002], lines 1-7).

#### **Claim 11**

The rejection of base claim 1 is incorporated. Hudson further discloses *storing said enhancement registry for said media selection on a remote storage medium* (see at least [0010]; FIG. 1, item 100).

#### **Claim 12**

The rejection of base claim 1 is incorporated. Hudson further discloses *establishing a communicative link between said media player and a remote server* (see at least [0009-0011]).

#### **Claim 13**

Hudson discloses *a media enhancement system* (see at least 0006], [0021]):

*a media player structured to deliver a media selection to a user* (see at least [0002]; claimed *media* equated with DVD discs);

*an enhancement registry associated with said media selection, said enhancement registry including at least time data associated with said media selection and a communicative link to additional materials* (see at least FIGs. 3-4);

*a user interface operatively associated with said media player and structured to receive a user input at least during delivery of said media selection by said media player* (see at least (see at least FIGs. 3-4);

*said media player structured to identify a corresponding time marker of said media selection at least at a time that corresponds receipt of said user input (see at least [0002], [0005-0006]); and*

*an activation assembly structured to access said enhancement registry and to correspondingly activate said communicative link for delivery of said additional materials to the user (see at least [0006-0007], [0021], FIGs. 3-4).*

#### **Claim 14**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said enhancement registry is separate from said media selection* (see at least [0011], [0030]).

#### **Claim 15**

The rejection of base claim 13 is incorporated. Since Claim 15 recites the same feature of Claim 8, the same rejection is thus applied.

#### **Claim 16**

The rejections of base claim 13 and intervening claim 15 are incorporated. Hudson further discloses *wherein said additional materials accessible utilizing said communicative link are accessible from said remote network* (see at least [0007], [0011], [0030]).

#### **Claim 17**

The rejections of base claim 13 and intervening claim 15 are incorporated. Hudson further discloses *wherein said enhancement registry is stored remotely from said media player* (see at least [0030]; [0010]; FIG. 1, item 100).



### **Claim 18**

The rejections of base claim 13 and intervening claims 15 and 17 are incorporated. Hudson further discloses *wherein said enhancement registry is communicated to said media player, said media player including said activation assembly* (see at least [0006-0007], [0021], FIGs. 3-4).

### **Claim 19**

The rejections of base claim 13 and intervening claims 15 and 17 are incorporated. Hudson does not specifically disclose *wherein said media player communicates said time marker that corresponds receipt of said user input to a remote server, said remote server including said activation assembly*. However, this feature is deemed inherent to Hudson as [0042] shows that after exploring a hub page and any of various sub-pages, a user may elect to return to the primary video content at the point of interruption. If the media player does not communicate a time marker that correspond to receipt of the user input to a remote server, how the interactive video content program knows where to return to the point of interruption.

### **Claim 20**

The rejections of base claim 13 and intervening claims 15, 17 and 19 are incorporated. Hudson further discloses *wherein said communicative link is maintained by said media player* (see at least [0002], lines 7-9).

### **Claim 21**

The rejections of base claim 13 and intervening claims 15, 17 and 19 are incorporated. Hudson further discloses *wherein said communicative link is maintained on said media storage medium* (see at least [0002], lines 7-9; [0006]).

#### **Claim 22**

The rejections of base claim 13 and intervening claims 15, 17 and 19 are incorporated. Hudson further discloses *wherein said communicative link is maintained by said remote server* (see at least [0022]).

#### **Claim 23**

The rejections of base claim 13 and intervening claims 15, 17 and 19 are incorporated. Since Claim 15 recites the same feature of Claim 8, the same rejection is thus applied.

#### **Claim 24**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials accessible utilizing said communicative link are structured to be selectively delivered as determined by the user* (see at least [0011], [0022]).

#### **Claim 25**

The rejection of base claim 13 is incorporated. Since Claim 25 recites the same feature of Claim 3, the same rejection is thus applied.

#### **Claim 26**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said enhancement registry corresponding said media selection is structured to be*

*communicated to said media player and at least temporarily stored by said media player*  
(see at least [0010]).

#### **Claim 27**

The rejection of base claim 13 is incorporated. Hudson further discloses *including a plurality of said communicative links* (see at least [0011], [0026], [0030-0034]).

#### **Claim 28**

The rejections of base claim 13 and intervening claim 27 are incorporated. Hudson further discloses *wherein each of said communicative links is associated with a different time marker of said media selection, said activation assembly identifying a corresponding one of said communicative links in response to said user input* (see at least [0042]).

#### **Claim 29**

The rejection of base claim 13 is incorporated. Since claim 29 recites the same limitation of claim 4, the same rejection is thus applied.

#### **Claim 30**

The rejections of base claim 13 and intervening claim 29 are incorporated. Hudson further discloses *wherein said user interface includes a location indicator structured to identify a location on at least a frame of said media selection, said user interface further structured to generate a location marker corresponding a position of said location indicator associated with a user input* (see at least [0033]).

#### **Claim 31**

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. Hudson further discloses *wherein said activation assembly is structured to identify said communicative link in response to said location marker* (see at least [0026], [0030-0035]).

### **Claim 32**

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. Hudson further discloses *wherein said activation assembly is structured to identify said communicative link in response to said location marker and said time marker, as defined by said time data and said frame location data of said enhancement registry* (see at least [0026], [0030-0035]).

### **Claim 33**

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. Since claim 33 recites the same feature of claim 27, the same rejection is applied.

### **Claim 34**

The rejections of base claim 13 and intervening claims 29, 30 and 33 are incorporated. Hudson further discloses *wherein said enhancement registry includes a different one of said communicative links in association with each of a plurality of said location markers for a particular one of said time markers* (see at least [0026], [0030-0035]).

### **Claim 35**

The rejection of base claim 13 is incorporated. Since claim 33 recites the same feature of claim 27, the same rejection is applied.

**Claim 36**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said activation assembly is structured to store a plurality of said communicative links for selective delivery of said additional materials to said user* (see at least [0026], [0030-0035]).

**Claim 37**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials are delivered to said user via said media player* (see at least [0036], [0041]).

**Claim 38**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said activation assembly is independent from said media player* (see at least [0036]; e.g., the Windows Media Player™ is independent from the DVS disc).

**Claim 39**

The rejections of base claim 13 and intervening claim 38 are incorporated. Since claim 39 recites the same feature of claim 12, the same rejection is thus applied.

**Claim 40**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials include information material* (see at least [0022], [0041], [0051], [0059]).

#### **Claim 41**

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials include e-commerce materials* (see at least Fig. 5; [0041], [0051], [0059]).

#### **Claim 42**

The rejections of base claim 13 and intervening claim 41 are incorporated. Hudson further discloses *wherein said e-commerce materials are structured to facilitate a remote purchase* (see at least Fig. 5).

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:15 am to 5:35 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this

application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



ANTONY NGUYEN-BA  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100

February 20, 2007